

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
IN SEATTLE**

JUSTIN DAVID SHERRARD, an
Individual.

Plaintiff,

vs.

YVONNE R. GRAY and IAN M. GRAY;
and the marital community composed
thereof; UNITED STATES of AMERICA,
and UNITED STATES POSTAL SERVICE,
a governmental entity.

Defendants.

NO.

COMPLAINT FOR NEGLIGENCE

COMES NOW Plaintiff JUSTIN SHERRARD by and through his attorney of
record and complains and alleges as follows:

I. PARTIES

1.1 At all times relevant hereto Plaintiff was a resident of Flathead County,
Montana.

COMPLAINT -- 1

**BURI FUNSTON
MUMFORD FURLONG**

ATTORNEYS AT LAW

1601 F Street
Bellingham, Washington 98225
P 360-752-1500 F 360-752-1502

2.1 This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1343, 2201, and 2202 and 39 CFR § 912.9. Venue is properly set in the United States District Court for the Western District of Washington at Seattle pursuant to 28 U.S.C. § 1391(b), since all defendants reside or resided in this district and the events giving rise to the claims occurred in this district.

3.1 Plaintiff hereby incorporates and re-alleges all allegations as previously stated.

3.2 On or about October 8, 2018, Plaintiff was a passenger in Robert Eskridge's vehicle.

3.4 As a direct and proximate result of such negligence, the vehicle operated by Defendant caused a collision in which the Plaintiff sustained injuries.

3.5 Said collision was the direct and proximate cause of Plaintiff's injuries and damages alleged herein.

**CAUSE OF ACTION
IV. NEGLIGENCE**

CAUSE OF ACTION IV. NEGLIGENCE

4.1 Plaintiff hereby incorporates and re-alleges all allegations as previously stated.

4.2 Defendants, by and through her agents, servants and employees, owed Plaintiff a duty of care to operate her motor vehicle in a reasonable and prudent manner.

4.3 Defendants breached their duty of care to the Plaintiff as set forth above.

4.4 Defendants' breach of duty of care was the proximate cause of Plaintiff's injuries.

4.5 Defendants are liable to the Plaintiff for damages past, present, and future caused by Defendants' negligence.

4.6 Plaintiff was without negligence of any kind or nature whatsoever and did not contribute to his own injuries or damages in any way.

4.7 All defendants are jointly and severally liable for the damages suffered by Plaintiff.

1 4.8 There are no non-party “at fault” entities who are in any way or percentage
2 “at fault” for this incident and/or for Plaintiff’s injuries and damages. If Defendants allege
3 that there are other non-named Defendants who are or may be potentially “at fault” for
4 Plaintiff’s injuries and damages, Defendants are at this time specifically requested to
5 fully identify the same in Answer to Plaintiff’s Complaint.

6 4.9 As a direct and proximate result of the negligence alleged herein, Plaintiff
7 has incurred medical expenses and other out-of-pocket expenses and is entitled to fair
8 and reasonable compensation.

9 4.10 As a direct and proximate result of the negligence alleged herein, Plaintiff
10 has suffered and will continue to suffer severe physical pain and suffering and is entitled
11 to fair and reasonable compensation.

12 4.11 As a direct and proximate result of the negligence alleged herein, Plaintiff
13 has suffered severe mental and emotional distress and is entitled to fair and reasonable
14 compensation.

15 4.12 As a direct and proximate result of the negligence alleged herein, Plaintiff
16 has suffered loss of enjoyment of life, disability and is entitled to fair and reasonable
17 compensation.

18 4.13 As a direct and proximate result of the negligence alleged herein, Plaintiff
19 is entitled to attorneys’ fees.

20 4.14 As a direct and proximate result of the negligence alleged herein, Plaintiff
21 is entitled to prejudgment interest on all medical and other out-of-pocket expenses
22 directly and proximately caused by the negligence alleged in this Complaint.
23
24
25
26

V. PRAYER FOR RELIEF

WHEREFORE Plaintiff prays for the following relief:

5.1 For an award of damages compensating Plaintiff for his physical injuries in an amount to be proven at trial.

5.2 For an award of damages compensating Plaintiff for past and future medical and out-of-pocket expenses, in an amount to be proven at trial.

5.3 For an award of damages compensating Plaintiff for past and future pain and suffering in an amount to be proven at trial.

5.4 For an award of damages compensating Plaintiff for past and future mental and emotional distress in an amount to be proven at trial.

5.5 For an award of the Plaintiff's attorney fees herein in an amount to be proven at trial.

5.6 For an award of damages compensating Plaintiff for costs and disbursements herein in an amount to be proven at trial.

5.7 For such other and further relief as the court deems just and equitable.

DATED THIS 22 day of August 2022.

BURI FUNSTON MUMFORD & FURLONG PLLC

/S/

Tom Mumford, WSBA #28652
Attorney for Plaintiff Justin Sherrard